

Article 1

GENERAL PROVISIONS

Standards

100 Title

These rules, regulations, and standards shall be officially known as the “Belmont County Subdivision Regulations,” and shall hereinafter be referred to as “these Regulations.”

101 Policy

- a. It is declared to be the policy of Belmont County to consider the subdivision of land and its subsequent development as subject to the control of Belmont County, pursuant to any official Comprehensive Plan (when one exists) for orderly, planned, safe, efficient land use growth, and to promote responsible economic development.
- b. Land to be subdivided shall be of such character that it can be used safely for building purposes and shall not be subdivided until adequate facilities and improvements such as streets, drainage, water, sewerage, etc. are provided.
- c. The existing and proposed public improvements shall conform with and be related to the proposals shown in the Comprehensive Plan (when it exists), Thoroughfare Plan, Capital Improvement Plan, and other development programs of Belmont County. It is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in engineering codes, water and sewer district codes, building codes, general health district codes, zoning resolutions (where they exist) fire department codes, and all other pertinent requirements of Belmont County and other federal, state and local agencies as applicable.

102 Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the unincorporated area of Belmont County. These regulations are intended to:

- a. Secure and provide for public health, safety, and general welfare of Belmont County residents.
- b. Establish standards for logical, sound, and practical land development, and to promote responsible economic development.
- c. Provide proper arrangements of streets, lots, and reserves within each project in relation to existing streets, highways, and land uses, and provide the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements.
- d. To provide for adequate light, air and privacy; to secure safety from fire, flood, and

other danger; to prevent population congestion and overcrowding of the land; to provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.

- e. To ensure appropriate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both Belmont County and the developers.

103 Authority

The Ohio Revised Code, Chapter 711, enables the Board of County Commissioners and the Planning Commission of Belmont County to adopt regulations governing plats and subdivisions of land within the unincorporated area of Belmont County.

104 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the State of Ohio to Belmont County pursuant to Chapter 711 of the Ohio Revised Code. The developer shall be in compliance with conditions established by the Belmont County Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of Belmont County and the health, safety, and general welfare of the future lot owners of the subdivision and of Belmont County generally.

105 Jurisdiction

These Regulations shall be applicable to all subdivisions of land located within the unincorporated area of Belmont County. It shall be unlawful for any person, organization, or entity to subdivide any land within the unincorporated area of Belmont County, unless said subdivision complies with the regulations herein contained. No plat shall be recorded and no land or lot shall be sold until said subdivision plat has been approved as herein required.

106 Relation to Other Laws

- a. The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the Board of County Commissioners or Township Trustees, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these Regulations.
- b. No subdivision final plat shall be approved for recording until the requirements of these Regulations have been met and certification thereof has been endorsed upon the final plat by the appropriate reviewing authority.
- c. Whenever the requirements of these Regulations are at variance with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.

- d. Whenever a Township or part thereof has adopted a County or Township Zoning Resolution, under Chapter 303 or 519 of the *Ohio Revised Code*, all proposed subdivisions shall meet the requirements of said zoning resolution, as well as the provisions of these Regulations.

107 Validity and Separability

If, for any reason, any clause, provision, or portion of these Regulations shall be held invalid or unconstitutional, by a court of competent jurisdiction such decision shall not affect validity or legality of these Regulations as a whole, or any part thereof, other than the part so held to be invalid. These Regulations shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with deed restrictions.

108 Saving Provision

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing, or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of Belmont County under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights adopted by any person, firm, or corporation by lawful action of Belmont County, except as shall be expressly provided for in these Regulations.

109 Enactment

These Regulations shall become effective from and after the date of their approval, adoption, or amendment by the Belmont County Planning Commission and the Belmont County Board of County Commissioners after public hearing and certification to the County Recorder as required by Chapter 711 of the *Ohio Revised Code*. Henceforth, any other regulations previously adopted by Belmont County shall be deemed to be repealed. These Regulations shall in no way affect any subdivision having received preliminary plan approval prior to the effective date of these regulations or any amendment thereto, provided, however, that no changes to the preliminary plan, as approved, are introduced by the subdivider.